

Hearing Date: October 28, 2020 at 10:00 am
Objection Deadline: October 21, 2020

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

<div>SECURITIES INVESTOR PROTECTION CORPORATION,</div> <div>Plaintiff-Applicant,</div> <div>v.</div> <div>BERNARD L. MADOFF INVESTMENT SECURITIES LLC,</div> <div>Defendant.</div>	<div>Adv. Pro. No. 08-01789 (SMB)</div> <div>SIPA LIQUIDATION</div> <div>(Substantively Consolidated)</div>
<div>In re:</div> <div>BERNARD L. MADOFF,</div> <div>Debtor.</div>	
<div>IRVING H. PICARD, Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and Bernard L. Madoff,</div> <div>Plaintiff,</div> <div>v.</div> <div>SAGE ASSOCIATES, <i>et al.</i>,</div> <div>Defendants.</div>	<div>Adv. Pro. No. 10-04362 (SMB)</div>
<div>IRVING H. PICARD, Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and Bernard L. Madoff,</div> <div>Plaintiff,</div> <div>v.</div> <div>SAGE REALTY, <i>et al.</i>,</div> <div>Defendants.</div>	<div>Adv. Pro. No. 10-04400 (SMB)</div>

**NOTICE OF DEFENDANTS' MOTION *IN LIMINE* TO
EXCLUDE THE TRUSTEE'S EXPERT REPORTS, FBI 302 STATEMENT, AND
TESTIMONY OF SPECIAL AGENT THEODORE CACIOPPI**

PLEASE TAKE NOTICE that Defendants Sage Associates, Sage Realty, Malcolm H. Sage, Martin A. Sage, and Ann M. Sage Passer, by their undersigned counsel, respectfully move and will move before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, presiding at the United States Bankruptcy Court, One Bowling Green, New York, New York on October 28, 2020, at 10:00 a.m. (EST) or as soon thereafter as counsel may be heard, for entry of an order relating to trial in the above-referenced adversary proceedings on Defendants' to Motion *in Limine* Exclude the Trustee's Expert Reports, FBI 302 Statement, and Testimony of Special Agent Theodore Cacioppi and upon the Memorandum of Law in Support of the Motion and the Declaration of Andrew B. Kratenstein in Support of the Motion.

PLEASE TAKE FURTHER NOTICE that written objections to the Motion must be filed by October 21, 2020, and must be served upon McDermott Will & Emery LLP, 340 Madison Avenue, New York, New York 10173, Attn: Andrew B. Kratenstein and via email addresses below so as to be received by the objection deadline.

PLEASE TAKE FURTHER NOTICE that failure to file timely objections may result in the entry of an order granting the relief requested in the Motion without further notice to any party or an opportunity to be heard.

MCDERMOTT WILL & EMERY LLP

By: /s/Andrew B. Kratenstein
Andrew B. Kratenstein
340 Madison Avenue
New York, New York 10173
Tel: (212) 547-5695
Email: akratenstein@mwe.com

Attorneys for Defendants Sage Associates, Sage Realty, Malcolm H. Sage, Martin A. Sage, and Ann M. Sage Passer